
Draft Decision Notice & Finding of No Significant Impact for the Bar X Allotment & Heber-Reno Sheep Driveway Grazing Authorization

USDA Forest Service
Payson and Pleasant Valley Ranger Districts
Tonto National Forest
Gila County, Arizona

Introduction

The Tonto National Forest has completed a National Environmental Policy Act (NEPA) review to authorize livestock grazing, implement selected management practices and construct range improvements on the Bar X and Heber-Reno Sheep Driveway. This project area is located on the Pleasant Valley Ranger District, northwest of Young, Arizona in Gila County.

The purpose of this action is to consider livestock grazing opportunities on public lands where consistent with management objectives. The Forest Plan identifies both Bar X and Driveway as suitable for domestic livestock. In addition, per FSH 2209.13, Chapter 90, section 92.22, the purpose of this action is to authorize livestock grazing in a manner consistent with direction to move ecosystems towards their desired conditions as described in the Forest Plan.

An environmental assessment (EA) has been prepared to determine whether the proposed action of authorizing continued livestock grazing would significantly affect the quality of the human environment and thereby require the preparation of an environmental impact statement to disclose the effects. Preparing the EA has fulfilled agency policy and direction to comply with the National Environmental Policy Act (NEPA). The EA documents the analysis of two alternatives; A) No Action/No Grazing and B) The Proposed Action to meet the purpose and need.

The existing Decision Notice and Finding of No Significant Impact (DN/FONSI) for the Heber-Reno Sheep Driveway (February 2011), continues to authorize the use of the Driveway for sheep. This EA is strictly limited to the authorization of cattle grazing within the project area and does not in any way change any other existing authorizations for use of the Driveway.

Decision and Reasons for the Decision

Based upon my review and consideration of the alternatives and the impacts disclosed in the Bar X and Driveway EA, I have decided to approve the livestock grazing management strategy described under Alternative B (Proposed Action).

The Proposed Action continues to authorize livestock grazing on Bar X under updated terms and conditions. This includes the use of Colcord allotment and Turkey Peak pastures.

This decision authorizes grazing between 4,002- 9,250 Animal Unit months (AUMs) adult cattle year-long. This includes partial use of the Driveway (Lost Salt, Naegelin, McInturff, and Walnut Pastures). Actual authorized numbers will vary annually based on current resource conditions. Adult cattle may include cows with calves, non-lactating cows, or bulls. Additionally, up to 160 weaned calves (498 AUMs) up to 18 months of age (yearlings) would be authorized from January 1st through May 15th annually. Yearlings are the progeny of existing cattle on the allotment.

The Valentine Pasture will be granted to the current OW permittee. Yearly maximum authorized use will be up to 840 AUMs.

The Potato Butte Pasture is currently authorized for use by cattle by the Potato Butte allotment.¹ Yearly maximum authorized use will be up to 145 AUMs.

Cline Mesa and Brady Canyon pastures will be granted to the current Solider Camp permittee. Yearly maximum authorized use will be up to 1345 AUMs (Cline Mesa) and 665 AUMs (Brady Canyon) year-long.

Grazing System

Bar X

One adult cattle herd with up to 160 weaned calves will graze all pastures within the allotment. The Forest Service may authorize the splitting of the herd in response to current resource conditions upon permittee request, to reduce impacts on resources. Additionally a ranch horse/mule herd (up to 20 riding/packing stock used for working the allotment) may be grazed throughout the year in traps and holding pastures. These animals will be counted towards total permitted AUMs.

Heber-Reno Sheep Driveway

Priority use of the Driveway is given to sheep that are currently permitted to use it. Cattle use on the Driveway will not impact the sheep permittee's ability to graze sheep on the Driveway. Forage excess of what is used by the sheep would be considered available for grazing by cattle. The Tonto National Forest and cattle grazing permittees will coordinate with the sheep permittee annually to determine planned use for the season. Adaptive management will be used to determine the length of time and the time of year cattle will graze within the driveway.

Common to Bar X and the Driveway

Grazing will occur through a rotational system, either deferred or rest-rotation grazing, which will allow plants the opportunity for growth or regrowth. Pasture use may be deferred in order to accomplish other resource goals related to fire, fuels and habitat in addition to recovery for grazing schedules. While some portions of the allotments are more suitable for winter use and others more for summer, the use of each pasture will vary within the appropriate season over time, in order to prevent the establishment of patterns of repeated use. Animals will be moved to the corresponding allotment once the pasture was grazed. The goal is to allow for complete deferment of individual pastures, for up to a year, periodically, based on site specific utilization and recovery. All pastures are available for grazing within the limits of forage availability and appropriate season of use based on current resource conditions.

¹ When this pasture was authorized in the 2011 Heber-Reno Sheep Driveway EA capacity was not evaluated. This pasture was included for this analysis to determine the number of permitted cattle to graze the area.

Annual operating instructions will specify pasture rotation schedules each year and include timing, livestock numbers, and duration. A rotation schedule will be developed with the permittee and incorporated into the allotment management plan to provide an estimate of grazing schedules. This schedule can be altered annually and authorized in the Annual Operating Instructions by the District Ranger.

Using Adaptive Management, actual numbers of livestock may vary based on the class of livestock, duration of use and climatic conditions. Grazing systems may also be modified as needed to meet stated management objectives. Adaptive Management provides the flexibility to continually modify management, based on monitoring, in order to achieve specific objectives. The monitoring included with Adaptive Management helps identify if structural improvements or management actions are needed that have not been disclosed or analyzed in a previous environmental effect's analysis. An interdisciplinary review would result in providing the Deciding Official the information necessary to determine whether correction, supplementation or revision of the previous EA, if any, is required. (FSH 1909.15(18) and FSH 2209.13(96.1))

Vegetation Utilization

Grazing will be managed to achieve long-term goals in pasture key areas and ensure allowable vegetation use thresholds are not exceeded.

VEGETATION

USE THRESHOLD

UPLAND HERBACEOUS	30-40 percent of current year's growth
UPLAND BROWSE	50 percent of current year's growth
RIPARIAN HERBACEOUS	Limited to 40 percent of plant species biomass and maintain 6 to 8 inches of stubble height of species on emergent such as sedges.
RIPARIAN WOODY	Limited to 50 percent of leaders browsed on upper one third of plants up to 6 feet tall

Improvements

Existing Structural Improvements

Maintenance of existing range improvements on the Bar X and Sheep Driveway will be assigned to the grazing permit holder. Not all current improvements are constructed or maintained to standards. As improvements are reconstructed, they will be rebuilt to new standards (i.e. wire spacing). Existing improvements do not need to be modified until reconstruction is needed.

Future Structural Improvements

Structural range improvements will be constructed in order to facilitate livestock distribution throughout the allotment and assist in achieving the desired conditions and management objectives. Future range improvements may need have heritage resource surveys completed before authorized.

Additional Infrastructure

Additional infrastructure may be constructed if needed in the future.

Improvements may be constructed in the future in order to facilitate livestock distribution throughout the allotment and assist in achieving the desired conditions and management objectives. Examples of future improvements may include, but are not limited to:

- Additional pasture division fencing
- Holding trap development
- Stock drive development
- Livestock handling facilities development
- Spring development
- Exclosures
- Development of dirt tanks
- Development of additional pipelines and troughs
- Development of additional trick tanks and catchments
- Cattle guard
- Wildlife water development

All existing and new improvements will follow Forest Service direction. Much of the design features are taken from the Forest Service Structural Range Improvement Handbook or other Forest Service policy and Best Management Practices. Additionally, all improvement components (e.g., rusted out troughs, broken sections of pipe, wire etc.) replaced during maintenance or reconstruction will be removed from Forest and properly disposed of.

The effects of adding any additional infrastructure such as fencing or waters to achieve resource objectives in the future are disclosed in and tiered to this environmental analysis. Heritage clearances for both the improvement and the access to the improvement will be obtained before implementation of any future improvements. Improvements may be authorized as necessary to achieve desired conditions without additional environmental analysis within the following specifications

Other Alternatives Considered

In addition to the selected alternative, one other alternative was considered. A comparison of these alternatives can be found in the EA, Chapters 2 and 3. Under Chapter 90 regulations, a “No Grazing” alternative must be considered in any Range NEPA analysis.

Public Involvement and Scoping

The proposed action was listed in the Schedule of Proposed Actions and updated throughout the project. Prior to the final development of the Proposed Action analyzed in this EA, the Forest met with permittees and other local parties to identify and evaluate management objectives and strategies. The Purpose and Need and Proposed Action was listed in the Schedule of Proposed Actions on February 27th, 2019 and the Preliminary Environmental Assessment was provided to the public and other agencies for comments during a 30-day scoping period initiated on March 5th, 2019. Over 170 comments were received in response to individual contacts through posted letters and emails and the public notice in the Payson Roundup newspaper. At the same time, the Forest consulted with ten tribes with ancestral ties to lands now managed by Tonto National Forest.

On June 5th, the Environmental Assessment for Bar X Allotment & Heber-Reno Sheep Driveway Grazing Authorization was completed and distributed for comment to State, Federal, Tribal Government agencies, professional organizations, multiple-use organizations, environmental organizations, non-government organizations, and individuals who responded to the Scoping and Preliminary Environmental Assessment. The public was also notified of the opportunity to comment through a legal notices published in the Payson Roundup (*Project Record*). Participants were provided 30 days to review and comment. Twenty-two responses were received during the comment periods.

All responses were reviewed and considered for the Bar X Allotment & Heber-Reno Sheep Driveway Grazing Authorization Final Environmental Assessment.

The US Forest Service response to comments received during the 30 day notice and comment period are located in the Project Record.

Finding of No Significant Impact

The following is a summary of the project analysis to determine significance, as defined by Forest Service Handbook 1909.15_05. "Significant" as used in NEPA requires consideration of both context and intensity of the expected project effects.

Context means that the significance of an action may be analyzed in several contexts (i.e. local regional, worldwide), and over short and long time frames. For the Proposed Action and the No Grazing Alternative the context of the environmental effects is based on the analysis in the Final EA. The effects of this site-specific proposed action and the significance of the effects are limited to the local level. This project is limited in scope and duration. The project was designed to minimize environmental effects through adaptive management, mitigations and resource protection measures. For the proposed action and alternatives the context of the environmental impacts is based on the environmental analysis in the final EA.

Intensity refers to the severity of the expected project impacts and is based on information and analysis in Chapter 3 of the Final EA. Intensity is defined by the 10 factors identified in 40 CFR 1508.27(b). My finding of no significant impact is based on the context of the project and the results of the evaluation of effects using the 10 factors.

1) Impacts may be both beneficial and adverse. A significant impact may exist even if the Federal agency believes that on the balance the effects will be beneficial.

Both beneficial and adverse impacts were considered in the analysis as described in Chapter Three of the EA. Grazing as proposed will result in removal of herbaceous vegetation but will be limited to conservative levels in order to allow for the retention of litter and plant stubble to provide soil cover and wildlife habitat. Proposed range improvement infrastructure and monitoring identified will play a key role in meeting the purpose and need of this environmental assessment. Adaptive Management, the proposed range improvements and the re-authorization of cattle use within the Colcord allotment and Turkey Peak pastures on the Bar X allotment and Heber-Reno Sheep driveway will be utilized in a sustainable manner, while the increased capacity for grazing will provide additional rest to areas not being grazed.

My finding of no significant impact is neither the result of balancing beneficial and adverse impacts nor biased by beneficial impacts of the proposed action.

2) The degree to which the proposed action affects public health or safety.

Authorizing grazing and managing allotments, including the maintenance of range improvements, is of limited scope not expected to present hazards to workers or the public. Management practices are expected to be conducted in a safe manner that provide no additional risks. No significant impacts on public health and safety were identified.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

As identified in the heritage resources section of Chapter 3 of the Final EA, many historic resources and sites exist. The Proposed Action includes monitoring, management and mitigation practices to protect unique resources. The action will not adversely impact any resources considered to have unique characteristics.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

While there is some opposition to livestock grazing and other uses of public lands, this action is not controversial in the context of NEPA. Both before and during the scoping process, the Forest Service received letters from property owners voicing opposition to the re-authorization of grazing. These property owners do not want cattle to access their private property. This re-authorization is not controversial in the context of NEPA and existing state laws. The analysis reflects judgment and expertise of resource management professionals who have applied their knowledge to similar projects and are using best available science to support their conclusions. The management practices proposed are commonly used resource management practices described in agency directives, prescribed in the Forest Plan and used by other land management agencies.

The term “controversial” in this context refers to cases where substantial scientific dispute exists as to the size, nature, or effects of a major Federal action on some human environmental factor, rather than to public opposition of a proposed action. As such, the volume of opposition nor the language therein, does not constitute significance for this project. In addition, the effects of the proposed action on all the resources analyzed for this project in this EA are not likely to be controversial, since the proposed action has been generally implemented on much of the Tonto National Forest and other national forest across the nation.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The Forest Service has considerable experience in implementing the activities proposed in this action. The environmental impacts are not uncertain for livestock grazing and management on Forest lands and no unique or unknown risk can be reasonably identified. The effects described in the EA are based on the judgment of experienced resource management professionals using the best available information and best available science.

6) The degree to which the action may establish a precedent for future actions with significant impacts or represents a decision in principle about a future consideration.

This action as detailed in Chapter 2 of the Final EA is unlikely to establish a precedent for future actions. All similar actions, with potential effects, will be analyzed through the NEPA process and will be independent of this site-specific action on the allotments.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

Cumulative impacts are analyzed in Chapter 3 of the Final EA and disclosed for each resource area. These impacts were evaluated combining the impacts of the Proposed Action with other past, present and reasonably foreseeable future actions. Based on the information and analysis, no cumulatively significant impacts have been identified.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places (NRHP) or may cause loss or destruction of significant cultural or historical resources.

The Proposed Action, presented in Chapter 2 of the Final EA, will have no significant adverse effect on districts, sites, highways, structures or other objects listed or eligible for listing in the NRHP. While many historic/cultural sites exist on the allotments, monitoring, mitigation measures and management practices that are part of the Proposed Action will protect the sites and resources. The Forest Archeologist concluded no adverse effect for the proposed action on heritage resources and recommended clearance for the project with the concurrence of the State Historic Preservation.

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

A Biological Evaluation (Wildlife Specialist Report) and Biological Assessment, (*Project Record*) have been completed for this NEPA analysis. Conservation measures were built into the Proposed Action to minimize impacts to federally listed species. The Tonto National Forest initiated formal consultation with US Fish and Wildlife Service on this project. During consultation, the U.S. Fish and Wildlife Service (Service) drafted a biological opinion and concurrence which was received on August 5th, 2019 (Cons. # 02EAAZ00-2019-F-0249). In the biological opinion and concurrence, the Service concurred with determinations that the Proposed Action “may affect and is likely to adversely affect” the threatened Chiricahua leopard frog (*Lithobates [Rana] chiricahuensis*) and the threatened Gila trout (*Oncorhynchus gilae*). The Service also concurred with determinations that the proposed action “may affect but is not likely to adversely affect” the threatened Mexican spotted owl (*Strix occidentalis lucida*) and its designated critical habitat, the narrow-headed gartersnake (*Thamnophis eques megalops*) and its proposed critical habitat, and endangered spikedace designated critical habitat. The Service also concurred that the Proposed Action is “not likely to jeopardize the continued existence” of the experimental nonessential Mexican wolf (*Canis lupus baileyi*).

10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The Proposed Action is consistent with the Tonto National Forest Plan of 1985, National Forest Management Act, Clean Water Act, Endangered Species Act, National Environmental Policy Act and other laws and requirements with which the Forest Service must comply. The Final EA has considered all applicable laws and regulations for the protection of the environment and the proposed action will not violate any of these laws or requirements.

Conclusion

As the responsible official, I am responsible for evaluating the effects of the project relative to the definition of significance established by CEQ Regulations (40 CFR 1508.13). I have reviewed the project record and specialist reports and after considering the environmental impacts described in the EA, I have determined that The Proposed Action, (Alternative B) will not have significant effects on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.

Findings Required by Other Laws and Regulations

National Forest Management Act (NFMA)

This decision to implement Alternative B that will authorize livestock grazing on Bar X allotment under updated terms and conditions and authorization to graze cattle again on the Heber-Reno Sheep Driveway is consistent with the intent of the Forest Plan's long-term goals and objectives. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for prescriptions and emphasis in Management Areas 5G, 5D, and 5B.

Administrative Review and Objection Rights

This proposed decision is subject to pre-decisional objection pursuant to 36 CFR 218, Subparts A and B. Objections will only be accepted from those who submitted project-specific written comments during scoping or other designated comment period. Issues raised in objection must be based on previously submitted comments unless based on new information arising after the designated comment period(s).

Objections must be submitted within 45 days following the publication of this legal notice in the (paper of record). The date of this legal notice is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframes provided by any other source. It is the objector's responsibility to ensure evidence of timely receipt (36 CFR 218.9).

Objections must be submitted to the reviewing officer: Neil Bosworth, Forest Supervisor 2324 E. McDowell Rd., Phoenix, AZ 85006. Fax 602-225-5295. Objections may be submitted via mail, FAX or delivered during business hours (M-F 08:00 to 4:30). Electronic objections, in common (.doc, .pdf, .rtf, .txt) formats may be submitted to: objections-southwestern-tonto@usda.gov with Subject: Bar X and Driveway Grazing Authorization

At a minimum, an objection must include the following (36 CFR 218.8(d)):

- (1) Objector's name and address as defined in 36 CFR 218.2, with telephone number ,if available;
- (2) Signature or other verification of Authorship upon request (a scanned signature for electronic mail may be filed with the objection);
- (3) When multiple names are listed on an objection, identification of the lead objector is required as defined in 36 CFR 218.2. Verification of the identity of the lead objector must be provided upon request or the reviewing officer will designate a lead objector as provided in 36 CFR 218.5(d);
- (4) The name of the proposed project, the name and title of the responsible official and the name(s) of the national forest(s) and/or ranger district(s) on which the proposed project will be implemented;
- (5) A description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project, if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and
- (6) A statement that demonstrates the connection between prior specific written comments on the particular proposed project or activity and the content of the objection, unless the

objection concerns an issue that arose after the designated opportunity(ies) for comment (see paragraph 36 CFR 218.8(c)).

Implementation

If no objections are filed within the objection filing period (per 36 CFR 218.26 and 218.32), the reviewing officer must notify the responsible official and approval of the proposed action or project documented in the Decision Notice may occur on, but not before, the fifth business day following the end of the objection filing period (36 CFR 218.12(c)(1 and 2)).

When an objection is filed, the responsible official may not sign the Decision Notice subject to the provisions of 36 CFR 218.12 until the reviewing officer has responded in writing to all pending objections (see 36 CFR 218.11(b)(1)). Additionally, the responsible official may not sign the Decision Notice subject to the provisions of 36 CFR 218 until all concerns and instructions identified by the reviewing officer in the objection response have been addressed (36 CFR 218.12(b)). Once the responsible official has complied with any instructions from the reviewing officer, the Decision Notice can be signed and implementation can take place immediately.

For further information concerning the Bar X Allotment & Heber-Reno Sheep Driveway Grazing Authorization, contact Jeff Sturla (jeffrey.sturla@usda.gov) during normal business hours.

Debbie Cress
District Ranger
Payson & Pleasant Valley Ranger Districts
Tonto National Forest

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